



FEBRUARY 14 - 18, 2005 ST. PAUL, MINNESOTA

James B. Loken, Chief Judge - Minneapolis, Minnesota

Circuit Judges in Active Service

**Roger L. Wollman - Sioux Falls, SD
Morris S. Arnold - Little Rock, AR
Diana E. Murphy - Minneapolis, MN
Kermit E. Bye - Fargo, ND
William Jay Riley - Omaha, NE
Michael J. Melloy - Cedar Rapids, IA
Lavenski R. Smith - Little Rock, AR
Steven M. Colloton - Des Moines, IA
Raymond W. Gruender - St. Louis, MO
Duane Benton - Kansas City, MO**

Circuit Judges Who Have Taken Senior Status

**Donald P. Lay - St. Paul, MN
Gerald W. Heaney - Duluth, MN
Myron H. Bright - Fargo, ND
Theodore McMillian - St. Louis, MO
John R. Gibson - Kansas City, MO
George G. Fagg - Des Moines, IA
Pasco M. Bowman - Kansas City, MO
Frank J. Magill - Fargo, ND
C. Arlen Beam - Lincoln, NE
David R. Hansen - Cedar Rapids, IA**

NOTICE TO ALL COUNSEL

Please review the entire calendar, as you may have more than one case scheduled for oral argument. Please check the calendar carefully for the starting time for your day and division.

Court will be held in the Warren E. Burger Federal Building at 316 N. Robert Street, St. Paul, Minnesota. Counsel presenting oral argument should report to the Clerk's Office, Room 500, 30 minutes before Court convenes.

Counsel may not waive oral argument without prior leave of court. Absent leave of court, only one attorney is permitted to present the argument for a party. However, if the parties on a side are separately represented and have filed separate briefs, each party on that side is permitted to argue; in such a case, counsel must confer and decide how they will split the time shown on the calendar. Questions should be addressed to the Clerk of Court.

Appearance forms of counsel, if not previously submitted, must be completed and forwarded immediately to the clerk's office. Every attorney who presents oral argument must be admitted to the Eighth Circuit Bar unless appointed to represent a party proceeding in forma pauperis.

The time allotted for each side's argument is noted to the right of the case. ***Cases designated as NO ARG will be submitted to the Court on the briefs and record without oral argument, and counsel are not required to appear for cases designated NO ARG.***

Michael E. Gans
Clerk of Court

www.ca8.uscourts.gov

Revised: 2/18/05

DIVISION I

**MONDAY, FEBRUARY 14, 2005, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, RILEY, SMITH**

			JAB
1.	04-2546MN	Ventura Village, Inc., et al. v. City of Minneapolis, Minnesota, et al.	15
2.	04-2826SI	Iowa 80 Group, Inc., etc. v. Internal Revenue Service	20
3.	04-2797MN	Layla Ahmed Ali v. Officer Scott Ramsdell, et al.	10
4.	04-2784MN	James H. Sallis v. University of Minnesota	15
5.	04-1038MN 04-2223MN	United States v. Olusoji Michael Agboola United States v. Olusoji Michael Agboola	15
	04-1317	Luciano Hernandez-Moran v. John Ashcroft, etc.	NO ARG
	04-2782NE	United States v. Victor Henderson	NO ARG
	04-2071SI	Tony Dion James Beach Armstrong v. State of Iowa	NO ARG

**TUESDAY, FEBRUARY 15, 2005, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, RILEY, SMITH**

			JMB
	04-3061NI	United States v. Douglas Wayne Neilsen	REMANDED
1.	04-3118SI	United States v. Cecil Darrell Williams	15
	04-2324NI	United States v. Alexander Blankenship	DISMISSED
	04-3390SI	United States v. Leonel Rodriguez-Ceballos	NO ARG
2.	04-3146NI	United States v. Shaun Joseph Ruff	10
	04-2705SI	United States v. Mario Alberto Dominguez-Chavez	NO ARG

DIVISION I

**WEDNESDAY, FEBRUARY 16, 2005, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, RILEY, SMITH**

CYZ

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|----|-----------|--|---------------|
| 1. | 03-3345ND | AgGrow Oils, L.L.C., et al. v. National Union Fire Insurance Company, etc. | |
| | 03-3346ND | AgGrow Oils, L.L.C., et al. v. Anderson International Corporation | |
| | | Nat'l. Union | 10 |
| | | Anderson | 15 |
| | | AgGrow | 15 |
| 2. | 04-2339SI | Harold Leroy Page v. Ken Burger, etc. | 15 |
| 3. | 04-3241NE | United States v. Casimiro Gaona-Lopez | 15 |
| | 04-2556SI | Thomas D. Overton v. John Mathes, etc. | NO ARG |
| 4. | 04-2706NE | United States v. Angel Velazquez | |
| | 04-2754NE | United States v. Angel Velazquez | 15 |
| 5. | 04-2088SI | Jack Pfau v. John F. Ault | 10 |

1:30 P.M. BEFORE JUDGES BYE, GIBSON, GRUENDER

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| | 04-1352NI | Connie Freese v. Hawkeye Community College, et al. | 20 |
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**THURSDAY, FEBRUARY 17, 2005, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, RILEY, SMITH**

JAB

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|----|-----------|--|------------------|
| 1. | 04-2210MN | Loren Zutz, et al. v. Case Corporation | |
| | 04-2294MN | Loren Zutz, et al. v. Case Corporation | 20 |
| | 04-2518MN | Heinen & Mason, Inc., etc. v. Polaris Sales, Inc., etc. | DISMISSED |
| 2. | 04-2628MN | John A. Dowdle, Jr., M.D. v. National Life Insurance Company | 15 |
| 3. | 04-1325NE | Pamela Gilmore, etc. v. County of Douglas, etc. | 15 |
| 4. | 04-1720NI | Lee Borntrager, et al. v. Central States, etc. | 15 |

DIVISION I

**FRIDAY, FEBRUARY 18, 2005, BEGINNING AT 8:30 A.M.
BEFORE JUDGES LOKEN, RILEY, SMITH**

			CYZ	
1.	03-4002	Abdulai Jollah v. John Ashcroft, etc.		15
2.	04-2756MN	Alexandra Golberg v. Hennepin County, et al.		15
	04-1285	Eng Yang v. John Ashcroft, etc.	NO ARG	
	04-1481	Bokole Elongo Mompongo v. John Ashcroft, etc.	NO ARG	
	04-2479	Mohamed Turay v. John Ashcroft, etc.	NO ARG	

DIVISION II

**MONDAY, FEBRUARY 14, 2005, BEGINNING AT 9:00 A.M.
BEFORE JUDGES ARNOLD, BOWMAN, GRUENDER**

DGH

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|----|-----------|--|----------------|
| 1. | 04-2035NE | Nebraska Plastics, Inc., etc. v. Holland
Colors Americas, Inc., etc. | |
| | 04-2180NE | Nebraska Plastics, Inc., etc. v. Holland
Colors Americas, Inc., etc. | 20 |
| 2. | 04-1416MN | Minnesota Supply Company, etc. v.
Raymond Corporation, etc. | |
| | 04-1850MN | Minnesota Supply Company, etc. v.
Raymond Corporation, etc. | |
| | 04-2168MN | Minnesota Supply Company, etc. v.
The Raymond Corporation, etc. | |
| | 04-2169MN | Minnesota Supply Company, etc. v.
The Raymond Corporation, etc. | 20 |
| 3. | 04-2066SD | Vernon Ashley, et al. v. United States
Department of Interior, et al. | 15 |
| | 04-2344MN | Medtronic, Inc., et al. v. ETEX
Corporation, et al. | REMOVED |
| 4. | 04-2094SD | Eugene Paul Huckins, et al. v. Doneen
Hollingsworth, et al. | 15 |
| 5. | 04-2548MN | United States v. Ralph Eugene Morton | |
| | 04-2549MN | United States v. Kenneth Lee Johnson, etc. | 15 |
| | 04-2893EA | United States v. Ollie Brown, Jr. | NO ARG |
| | 04-2472NE | United States v. Joaquin Rojas-Coria, etc. | NO ARG |
| | 04-2723SD | United States v. Ione E. Fogg | NO ARG |

DIVISION II

**TUESDAY, FEBRUARY 15, 2005, BEGINNING AT 9:00 A.M.
BEFORE JUDGES ARNOLD, BOWMAN, GRUENDER**

			DGH	
1.	04-3171NI	United States v. Braun Nathan Thompson		15
	04-2236NI	United States v. Carlos Armando Montenegro-Recinos	NO ARG	
2.	04-2935NI	United States v. Dennis Marcussen		10
	04-2497MN	United States v. Howard Eugene Liner	REMOVED	
3.	04-2560NI	United States v. Shelley Mashek		10

**WEDNESDAY, FEBRUARY 16, 2005, BEGINNING AT 9:00 A.M.
BEFORE JUDGES ARNOLD, BOWMAN, GRUENDER**

			DGH	
1.	04-2412SD	United States v. Hector Diego Paz, Jr.		15
2.	04-2354SI	Mid-America Real Estate Company, etc. v. Iowa Realty Company, Inc., et al.		
	04-2862SI	Mid-America Real Estate Company, etc. v. Iowa Realty Company, Inc., et al.		20
3.	04-2572MN	MedCam, etc. v. MCNC, etc.		20
	04-2973NE	United States v. Adrian L. Swan	REMANDED	
	04-2707MN	Jeffrey Barstad, et al. v. Murray County, et al.	REMOVED	
	04-2980NE	United States v. Torone Jasper Williams	REMANDED	

DIVISION II

**THURSDAY, FEBRUARY 17, 2005, BEGINNING AT 9:00 A.M.
BEFORE JUDGES ARNOLD, BOWMAN, GRUENDER**

			DGH REMOVED
	04-2185ND	Virgil Wilkinson, et al. v. United States	
1.	04-2810SD	Marvin D.W. Voeltz v. Arctic Cat, Inc., etc.	20
2.	04-2519ND	Edward DuBois v. Jo Anne B. Barnhart, etc.	15
3.	04-2643NE	Tracey Daley, etc. v. Marriott International, Inc.	
	04-2651NE	Tracey Daley v. Marriott Health Plan, et al.	15
4.	04-2859ND	United States v. Cuthbert Rory Flynn Fox, III	15

**FRIDAY, FEBRUARY 18, 2005, BEGINNING AT 8:30 A.M.
BEFORE JUDGES ARNOLD, BOWMAN, GRUENDER**

			DGH
1.	04-1084	Bouapha Phommasoukha v. John Ashcroft, etc.	15
2.	04-1840	Titalayo Falaja, et al. v. John Ashcroft, etc.	15
3.	04-1977	Henry Eduardo Sandoval-Loffredo v. John Ashcroft, etc.	15
4.	04-2429SD	Margaret Andrews v. Robert Fuoss, etc.	15
	04-1939	James Wamiti Kanyi v. John Ashcroft, etc.	
	04-2727	James Wamiti Kanyi v. John Ashcroft, etc.	NO ARG

DIVISION III

**MONDAY, FEBRUARY 14, 2005, BEGINNING AT 9:00 A.M.
BEFORE JUDGES MELLOY, HEANEY, FAGG**

JMH

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|----|-----------|--|---------------|
| | | In re: Acceptance Insurance Companies
Securities Litigation | |
| 1. | 04-2078NE | Jerome S. Richman, etc., et al. v. Acceptance
Insurance Companies, Inc., et al. | 20 |
| 2. | 04-2800MN | Delroy C. Scheeler, etc., et al. v. City of
St. Cloud, Minnesota, et al. | 15 |
| | 04-3157SD | United States v. Warren Blue Bird | NO ARG |
| 3. | 04-2335 | In re: Bradley Drenttel, et al., Debtor
Bradley Drenttel, et al. v. Mary Jo A.
Jensen-Carter | 15 |
| 4. | 04-2177MN | John R. Beckman v. KGP
Telecommunications, Inc. | 15 |
| | 04-2725WM | United States v. Angel Mejia-Gomez | NO ARG |
| | 04-1864WA | Stanley Smith, etc. v. Mike Beebe, etc.,
et al. | NO ARG |
| | 04-2573EA | Melissa Lazarus v. The City of Dumas,
Arkansas, et al. | NO ARG |

**TUESDAY, FEBRUARY 15, 2005, BEGINNING AT 9:00 A.M.
BEFORE JUDGES MELLOY, HEANEY, FAGG**

JMH

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|----|-----------|--|---------------|
| 1. | 04-1907NE | Dennis Krutilek v. Michael Kenney, etc. | 15 |
| | 04-1475SI | United States v. Marquette Scott
Walterman | NO ARG |
| | 04-3010NE | United States v. James Toelle | NO ARG |
| | 04-2291SI | Eugene Cortez Saunders v. Gregory
Frost, etc., et al. | NO ARG |
| | 04-3312NE | United States v. Christina M. Haidley | NO ARG |
| 2. | 04-2734SI | United States v. Kenneth Ray Martin | 10 |

DIVISION III

**WEDNESDAY, FEBRUARY 16, 2005, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BYE, HEANEY, MELLOY**

			JMH
1.	04-2703MN	In re: Northwest Privacy Litigation Jeanne Vergeldt, etc. v. Northwest Airlines Corporation, et al.	25
	04-3407NE	United States v. Mario D. Alford	NO ARG
2.	04-2689MN	In the Matter of: Lyon County Landfill Lynd, Minnesota Lyon County Board of Commissioners v. United States Environmental Protection Agency	20
3.	04-3350NE	United States v. Joab J. Garcia	10
4.	04-3031NE	United States v. Corey Spigner	10
	04-2761NE	United States v. John Meyers	NO ARG

**THURSDAY, FEBRUARY 17, 2005, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BYE, HEANEY, MELLOY**

			JMH
1.	04-2531MN	Sheila E. Peterson v. Scott County, et al.	20
2.	04-2097MN	Kenneth B. Moll, et al. v. Bayer Corporation, et al.	20
	04-2187MN	K. Amy Lemon v. Bayer Corporation, et al.	
3.	04-2766ND	Brigitte Wright v. Tony E. Sims, etc.	15
	04-2040	Kevin J. Morse v. Commissioner of Internal Revenue	NO ARG
4.	04-1735MN	George D. Philip v. Ford Motor Company, etc.	10

DIVISION III

**FRIDAY, FEBRUARY 18, 2005, BEGINNING AT 8:30 A.M.
BEFORE JUDGES BYE, HEANEY, MELLOY**

JMH

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|----|-----------|--|----------------|
| 1. | 04-1676 | Jared Ombongi v. John Ashcroft, etc. | 15 |
| 2. | 04-1949NE | Fitzgerald Railcar Services of Omaha, Inc., etc. v. Chief Industries, Inc. | 15 |
| 3. | 03-4018 | Eugenio Cuadra v. John Ashcroft, etc. | 15 |
| 4. | 04-2158 | Candelaria Dominguez-Capistran v. John Ashcroft, etc. | 10 |
| | 04-1826MN | United States Fidelity and Guarantee Insurance Company, et al. v. Commercial Union Midwest Insurance Company, et al. | REMOVED |